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DEPARTMENT OF DEFENSE
UNITED STATES SOUTHERN COMMAND
OFFICE OF THE COMMANDER
3511 NW 91ST AVENUE
MIAMI, FL 33172-1217

REPLY TO ATTENTION OF

SCCC 1 March 2004

MEMORANDUM THRU Chairman, Joint Chiefs of Staff, 9999 Joint Staff Pentagon, Washington, DC 20318-9999

FOR Assistant Secretary of Defense (Special Operations and Low-Intensity Conflict), 2500 Defense Pentagon, Washington, DC 20301-2500

SUBJECT: Detainee ISN [redacted]715[redacted] Enemy Combatant Status Recommendation (U)

1. (U) Reference. Implementing Guidance for Release or Transfer of Detainees Under US Department of Defense Control to Foreign Government Control, dated 11 December 2002 and approved by the Secretary of Defense on 26 December 2002.

2. (S//NF) On 5 August 2002, Abdul Qadir Yousef Hussein, [redacted]715[redacted] was transferred to Naval Base Guantanamo Bay, Cuba as an enemy combatant (EC), defined by the reference as "any person that US or allied forces could properly detain under the laws and customs of war." For purposes of this conflict, an EC includes, but is not necessarily limited to, a member or agent of Al Qaida, the Taliban, or another international terrorist organization against which the United States is engaged in armed conflict.

Associated Press v. United States Department of Defense Doc. 31 Att. 5

3. (~~S//NF~~) In accordance with referenced guidance we have assessed detainee's status. A team from the Office of the Secretary of Defense and the Joint Staff recently conducted an assessment of ISN [redacted]715[redacted] and concluded that he may no longer meet the definition of an EC. JTF GTMO concurs with the OSD assessment. Specific known information for [redacted]715[redacted] is as follows:

a. [redacted]

b. [redacted]

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SCCC
SUBJECT: Enemy Combatant Status Review of [redacted] 715 [redacted]

c. Since his arrival at JTF GTMO, no further information has developed to confirm the detainee's EC status. Detainee was administered a polygraph on 20 February 2004 and was questioned on his involvement in anti-US organizations, attacks against coalition forces and his intention of participating in anti-US actions upon his return. Detainee answered no to all questions, but deception was indicated.

4. (~~S//NF~~) JTF GTMO conducted an EC Status Review of this detainee and cannot verify his EC status with the information currently available for review. I agree with JTF GTMO's assessment that ISN [redacted] 715 [redacted] may no longer meet the definition of an EC. As such, I recommend this detainee be expedited for release or transfer to the control of another government in accordance with the recommendation that USSOUTHCOM will forward the week of 8 March 2004.

JAMES T. HILL
General, USA
Commander

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